

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
February 12, 2013

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**Present:**

Caroline Murphy, Mayor  
Zelda Auslander, Council Member  
Steve Braasch, Council Member  
Bob Dorsett, Jr., Council Member  
Jack McCool, Mayor Pro Tem

**Absent:**

Bill Goodwin, Council Member

**City Staff:**

Frank Salvato, City Administrator  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Katie Griffin, Director of Finance  
Lindsey Withrow, Director of Community Services  
Giancarlo Patino, City Engineer  
Russell Pancoast, Police Chief  
Daeric Graeber, Systems Analysis

**Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, February 12, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Citizen Comments**

Ben King, 16005 Snowdonia Cove, stated that he had met with the representatives of Covert and they indicated that they are moving forward with the dealership on Highway 71. He asked the Council to look at laws to ban 18 wheelers and the test driving of vehicles from going through the neighborhoods.

Kirk Wright, 4305 Adirondack Summit, stated that he agreed with the comments by Mr. King and asked the council to put a vehicle tax in place. Covert should help prevent the loss of beauty in the neighborhood.

Carroll Killebrew, 5410 Great Divide, asked questions about the group transitional home in Homestead.

**Consent Agenda.**

- A. Consider approval of minutes of the Regular meeting conducted on January 22, 2013 and the Special meeting conducted on February 4, 2013.
- B. Consider approval of the 2012 Racial Profiling report.

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Auslander, to approve the Consent Agenda.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander and Dorsett
Voting Nay:	None
Absent:	Council Member Goodwin
Abstain:	Council Member Braasch

The motion carried.

**Discuss and consider action on Ordinance No. 137 annexing approximately 35.733 acres legally described as Lot 1, Block A, Morningside Subdivision.**

Community Services Director Lindsey Withrow presented this item.

**MOTION:** A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve Ordinance No. 137 annexing Morningside subdivision.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch and Dorsett
Voting Nay:	None
Absent:	Council Member Goodwin

The motion carried.

**Public hearing, discussion and possible action on Ordinance No. 138, an ordinance changing the zoning of Lot 1, Block A, Morningside Subdivision from Agriculture to Planned Development District - Single Family Attached.**

Mayor Murphy opened the public hearing at 6:10 p.m.

There being no testimony from the public, the public hearing closed at 6:10 p.m.

Ms. Withrow presented this item.

Jim McCloskey, Vice President Development of Embrey Homes, fielded questions from the City Council.

Members of the City Council expressed concern over the large trucks using Falconhead Boulevard. This street was just recently repaired and, more importantly, it serves as a school bus drop off and pick up for children in the area.

**MOTION:** A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to approve Ordinance No. 138 with the Addition of a Section 7 as follows: heavy construction trucks, dump trucks, concrete trucks, trailers, bulldozers and similar heavy equipment shall not access the Project via Falconhead Blvd during construction of the Project. Phase I of the Project shall not be constructed until the completion of construction of Phase II and Phase III unless such access road is required to be constructed prior to completion of the Project by Lake Travis Fire and Rescue.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch and Dorsett
Voting Nay:	None
Absent:	Council Member Goodwin

The motion carried.

**Discuss and consider action on acceptance of fiscal security for Morningside.**

City Engineer Giancarlo Patino presented this item.

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member Dorsett, to accept the fiscal security for Morningside as presented.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch and Dorsett
Voting Nay:	None
Absent:	Council Member Goodwin

The motion carried.

**Discuss and consider action on a site clearing permit for Cielo Homes, Phase 2, located at on the east side of RR 620 South at Falconhead Blvd.**

Mr. Patino presented this item.

Ben Montgomery, TDI Real Estate, was present at the meeting and answered questions.

Members of the City Council stated that the site and NPS permit needed to be approved prior to the clearing of the land.

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member Braasch, to deny the site clearing permit for Cielo Homes, Phase 2.

The vote was taken on the motion with the following result:

Voting Aye:	Council Members Auslander, Braasch and Dorsett
Voting Nay:	Mayor Pro Tem McCool
Absent:	Council Member Goodwin

The motion carried 3-1.

**Discuss and consider action on a request by the Shops at the Galleria for a Special Event Permit for Lone Star Farmer's Market.**

Daniel Myrick, Vice President and General Counsel of Christopher Commercial, Inc., presented this item.

Richie Romero, owner of Lone Star Farmer's Market, also spoke on this item.

Mayor Murphy inquired about a hand washing station.

**MOTION:** A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to approve the special event permit for Lone Star Farmer's Market subject to a hand washing system being present.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch and Dorsett
Voting Nay:	None
Absent:	Council Member Goodwin

The motion carried.

**Presentation and discussion of rules and procedures for becoming a Home Rule City.**

Monte Akers, Attorney with Akers Law Firm, made a presentation on facts for becoming a Home Rule City and fielded numerous questions from the Council and public.

Council Member Dorsett left the meeting at 7:46 p.m.

Paul Kline, 4005 Vail Divide, encouraged the Council to move forward quickly and asked the Mayor to appoint a Commission in the next few days.

Andrew Clark, 4600 Mont Blanc, also encouraged the Council to move forward quickly.

Carrell Killebrew, 5410 Great Divide, stated that he hoped the City had the number of inhabitants required to become a Home Rule City.

Mr. King also asked the Council to move quickly and meet the deadline to be on the May ballot.

**Discuss and consider action on a proposal from Tom Green Engineering to develop specifications for a generator purchase for the Police Station in an amount not to exceed \$5,900.**

City Administrator Frank Salvato presented this item.

**MOTION:** A motion was made by Council Member Braasch, seconded by Mayor Pro Tem McCool, to approve the proposal from Tom Green Engineering to develop specifications for a generator purchase for the Police Station in an amount not to exceed \$5,900.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander and Braasch
Voting Nay:	None
Absent:	Council Members Goodwin and Dorsett

The motion carried.

**Discuss and consider authorizing the City Administrator to sign a contract with CAPCOG for the purchase and implementation of My Permit Now software for plan review and inspection status for the Community Services Department.**

**MOTION:** A motion was made by Mayor Pro Tem McCool, seconded by Council Member Braasch, to postpone this item until a future meeting.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander and Braasch  
Voting Nay: None  
Absent: Council Members Goodwin and Dorsett

The motion carried.

**Discuss and consider action on purchasing a Purchase Order Module from INCODE in an amount not to exceed \$ 7,000.**

Director of Finance Katie Griffin presented this item.

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member Braasch, to approve the purchase of a Purchase Order Module from INCODE in an amount not to exceed \$7,000.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander and Braasch  
Voting Nay: None  
Absent: Council Members Goodwin and Dorsett

The motion carried.

**Discuss and consider action on amending the City of Bee Cave park rules.**

Council Member Dorsett rejoined the meeting at 8:47 p.m.

Mr. Salvato presented this item.

This item will be placed on a future agenda for further discussion.

**Executive Session**

The City Council closed the Open Session at 9:20 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding authority of municipality over group homes.
- B. Consultation with Attorney regarding requirements of Open Meeting and Public Information Acts and requirements associated with City of Bee Cave Code of Ethics Ordinance.

The City Council closed the Executive Session at 10:19 p.m. and reconvened in Regular Session in the Council Chambers.

### **Adjournment**

**MOTION:** A motion was made by Council Member Braasch, seconded by Council Member Dorsett, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch and Dorsett
Voting Nay:	None
Absent:	Council Member Goodwin

The motion carried.

The City Council adjourned the meeting at 10:19 p.m.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

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Caroline Murphy, Mayor

ATTEST:

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Kaylynn Holloway, City Secretary